

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

ELIA LEON, individually and as  
Personal Representative  
of the Estate of Martin Leon, Deceased,

FEB 26 2016

Plaintiff,

MATTHEW J. DYKMAN

CLERK

vs.

No. CV 13-1005 JB/SCY

FEDEX GROUND PACKAGE SYSTEM, INC.,

Defendant.

**SPECIAL VERDICT FORM**

On the questions submitted, the jury finds as follows:

**Question 1:** Was either the Defendant FedEx Ground Package System, Inc. or Federico Martinez-Leandro negligent?

Answer: Yes ☒ No ☐

If the answer to Question No. 1 is "No", you are not to answer further questions. Your foreperson must sign this special verdict, which will be your verdict for FedEx Ground and against Elia Leon, and you will all return to open court.

If the answer to Question No. 1 is "Yes", you are to answer Question No. 2.

**Question 2:** Was the negligence of FedEx Ground and/or Mr. Martinez-Leandro a cause of Martin Leon's death, injuries and damages?

Answer: Yes ☒ No ☐

If the answer to Question No. 2 is "No", you are not to answer further questions. Your foreperson must sign this special verdict, which will be your verdict for FedEx Ground and against Elia Leon, and you will all return to open court.

If the answer to Question No. 2 is "Yes", you are to answer the remaining questions on this special verdict form. When you all have agreed upon each of your answers, your foreperson must sign this special verdict, and you will all return to open court.

**Question 3:** In accordance with the damage instructions given by the Court, we find the total amount of damages suffered by Ms. Leon to be

\$ 7.3 million  
 (Here enter the total amount of damages without any reduction for comparative negligence.)

**Question 4:** Was either Puckett Transportation, Inc. or Larry A. Payne negligent?

Answer: Yes ☒ No ☐

If the answer to Question 4 is "No", you are not, in answering Question 6, to allocate any percentage of fault or negligence to Puckett Transportation/Mr. Payne.

If the answer to Question 4 is "Yes", you are to answer Question 5.

**Question 5:** Was the negligence of Puckett Transportation and/or Mr. Payne a cause of Mr. Leon's death, injuries, and damages?

Answer: Yes ☒ No ☐

If the answer to Question 5 is "No", you are not, in answering Question 6, to allocate any percentage of fault or negligence to Puckett Transportation/Mr. Payne.

If the answer to Question 5 is "Yes", you are to answer Question 6 fully.

**Question 6:** Compare the negligence of the following persons and find a percentage for each. The total of the percentages must equal 100% but the percentage for any one or more of the persons named may be zero if you find that such person was not negligent or that any negligence on the part of such person was not a cause of the damages.

FedEx Ground Package System, Inc./Federico Martinez-Leandro	<u>75</u> %
Puckett Transportation, Inc./Larry A. Payne	<u>25</u> %
	<b>100% TOTAL</b>

The court will multiply the percentage of each corporation or person times Ms. Leon's total damages as found by the jury under Question 3. The Court will then enter judgment for Ms. Leon against FedEx Ground in the proportion of damages found as to that Defendant.

**Question 7:** Did the act of FedEx Ground amount to willful, wanton, or reckless conduct?

Answer: Yes ☐ No ☒

If your answer is "Yes" to FedEx Ground or Mr. Martinez-Leandro, enter in an answer to Question 8 the amount of punitive damages, if any, to be awarded against FedEx Ground.

If your answer is "No" as to FedEx Ground, you are not to answer Question 8. Your foreperson must sign this Special Verdict and you will all return to open court.

**Question 8:** In accordance with the exemplary or punitive damage instructions given by the Court, we find the total amount of punitive damages to be awarded against FedEx Ground as to Ms. Leon to be as follows:

\$ \_\_\_\_\_

~~For~~ FOREPERSON

DATED:

Feb 26, 2016